

Message Text

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ORIGIN EPA-02

INFO OCT-01 EUR-12 IO-13 ISO-00 AID-05 CEQ-01 CIAE-00
SOE-02 COME-00 DODE-00 EB-08 INR-10 L-03 NSF-01
NSC-05 NSAE-00 PM-05 ICA-11 OES-07 SS-15 SP-02
DOE-15 INT-05 CEA-01 FRB-03 STR-07 TRSE-00 LAB-04
SIL-01 OMB-01 EA-10 /150 R

DRAFTED BY EPA/OIA:IFULLER
APPROVED BY OES/ENP/EN:BLLONG
EPA/OTS:SJELLINEK
EPA/OIA:APOPKIN
OES/ENP/EN:JWBLANCHARD
EUR/RPE:DKURSCH
COMMERCE:JLEWIS
EB/STR:GWHITE

-----104035 072356Z /45

P 072206Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY BRUSSELS PRIORITY
INFO AMEMBASSY BONN PRIORITY
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
USMISSION GENEVA
AMEMBASSY THE HAGUE
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY ROME

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USOECD

E.O. 11652: N/A

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TAGS:EEC, SENV, ETRD

SUBJECT: US/EC NEGOTIATIONS ON TOXIC SUBSTANCES

REFS: A) BRUSSELS 10760; B) BRUSSELS 10825

1. EMBASSY IS REQUESTED TO ORALLY CONVEY FOLLOWING POINTS

TO CARPENTIER IN RESPONSE TO HIS COMMENTS IN REFTEL A.
U.S. APPRECIATES LEVEL OF CONCERN WITHIN EC TO HARMONIZE
INTERNATIONAL ASPECTS OF REGULATION OF TOXICS. WE
RECOGNIZE THAT E.C. MEMBER-STATES CONSTITUTE MAJOR
PORTION OF WORLD TRADE IN CHEMICALS AND THEIR PARTICIPA-
TION IS CRITICAL TO EFFECTIVE INTERNATIONAL AGREEMENT IN
THIS AREA.

2. US WELCOMES DISCUSSIONS WITH ALL CONCERNED NATIONS
IN MOVEMENT TOWARD INTERNATIONAL HARMONIZATION AND LOOKS
FORWARD TO DETAILED TECHNICAL TALKS WITH EC COMMISSION.

3. ALTHOUGH WE REEOGNIZE THAT EC COMMISSION NOW HAS
FORMAL NEGOTIATING AUTHORITY, AS WE POINTED OUT IN
PREVIOUS DISCUSSIONS WITH COMMISSION STAFF, US IS NOT IN A
POSITION TO ENTER INTO FORMAL INTERNATIONAL AGREEMENT AT
THIS TIME. US LAW AND REGULATORY PROCEDURES REQUIRE THAT
EPA PUBLISH PROPOSAL ON PREMANUFACTURING NOTIFICATION

PROCEDURE, ALLOW TIME FOR PUBLIC COMMENT, AND TAKE VIEWS
EXPRESSED (INCLUDING FOREIGN) INTO CONSIDERATION IN PRO-
MULGATION OF FINAL PROCEDURE. WE CANNOT COMMIT U.S. TO
SPECIFIC COURSE OF ACTION IN ADVANCE OF PUBLICATION OF
PROPOSAL.

4. THE REASON FOR U.S. SUGGESTION OF LATE JUNE FOR US/EC
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DISCUSSIONS ON PREMANUFACTWRING/PREMARKETING NOTIFICATION
PROCEDURES WAS PRECISELY THAT WE ARE NOT YET AT STAGE OF
FINAL REGULATIONS ON SUBJECT. HOWEVER, EPA IS IN A
POSITION TO WORK TOWARD SCIENTIFIC CONSENSUS (INCLUDING
VIEWS OF EC) AS TO WHAT BASE SET OF DATA SHOULD BE FOR
ALL NEW CHEMICALS.

5. THEREFORE JUNE 29-30 TALKS SHOULD CONCENTRATE ON THE
FULL EXPOSITION OF CURRENT US/EC PLANS ON PREMANUFACTURING/

PREMARKETING NOTIFICATION WITH A VIEW TO IDENTIFYING AREAS
WHERE EARLY HARMONIZATION IS POSSIBLE. WE PROPOSE THE
FOLLOWING FIVE POINTS BE INCLUDED IN THE AGENDA:

- 1) STATUS REPORT FROM US PREMANUFACTURING
NOTIFICATION GROUP, WITH OPPORTUNITY FOR
EC QUESTIONS AND COMMENTS.
- 2) STATUS REPORT FROM EC REPRESENTATIVES,
WITH OPPORTUNITY FOR US QUESTIONS AND COMMENTS.
- 3) FUTURE DISCUSSIONS ON PREMANUFACTURING NOTIFICATION.

4) INFORMING/INVOLVING OTHER COUNTRIES.

6. US WOULD BE PREPARED TO DISCUSS POSSIBILITIES FOR FUTURE AREAS OF HARMONIZATION, BUT EC SHOULD NOTE THAT A MAJOR US CONCERN AND NECESSARY AGENDA ITEM IS QUOTE METHODS OF INVOLVING/INFORMING OTHER COUNTRIES. UNQUOTE BOTH US AND EC MEMBER COUNTRIES AGREED IN STOCKHOLM ON NEED FOR ACCELERATION OF INTERNATIONAL COOPERATION IN CONTROL OF TOXICS. LARGEST U.S. TRADING PARTNER (CANADA) AND OTHER MAJOR PRODUCERS SUCH AS JAPAN AND SWITZERLAND ARE NOT IN EC. US NOT IN POSITION TO NEGOTIATE EXCLUSIVELY WITH EC IN AREAS IN WHICH OTHER CONCERNED NATIONS HAVE AGREED TO WORK TOWARD HARMONIZATION AS WELL.
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7. ABOVE IN NO WAY MINIMIZES IMPORTANCE WE ATTACH TO WORKING WITH EC TOWARD INTERNATIONAL HARMONIZATION IN THIS IMPORTANT AREA. US REPRESENTATIVES LOOK FORWARD TO RECEIVING A BRIEFING FROM THE EC COMMISSION STAFF ON THE EC MANDATE TO NEGOTIATE WITH THE US ON THE CONTROL OF

TOXIC SUBSTANCES. FURTHER, THE DEPARTMENT WOULD LIKE TO OBTAIN NAMES AND AFFILIATIONS OF INDIVIDUALS WITHIN THE EC COMMISSION GROUP ATTENDING JUNE MEETINGS.

8. IN VIEW OF THE TECHNICAL NATURE OF THESE PROPOSED DISCUSSIONS, JELLINEK'S PARTICIPATION WILL BE MINIMAL.

9. FYI: DEPENDING ON CARPENTIER'S RESPONSE REGARDING BASIC QUESTION OF NATURE OF THE DISCUSSIONS, WE WILL FORWARD MORE DETAILED AGENDA SUGGESTIONS IN SUBSEQUENT TELEGRAM. END FYI.

10. RESPONSE TO REFTTEL B WILL FOLLOW SHORTLY. DEPARTMENT WISHES TO EMPHASIZE THAT THE PROPOSED JUNE 29-30 MEETINGS WILL BE TECHNICAL IN NATURE AND NOT TO BE CONSTRUED AS A NEGOTIATING SESSION. VANCE

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